

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MILES BARTON NICHOLS,

Defendant.

No. 4:16-CR-6033-EFS

**ORDER GRANTING USAO'S MOTION FOR
PROTECTIVE ORDER**

Before the Court, without oral argument, is the United States Attorney's Office's (USAO) Motion for Protective Order, ECF No. 72. The USAO seeks a protective order for *Henthorn* materials that the Court previously ordered to be disclosed, ECF No. 66, in order to protect confidential personnel file contents. The Court finds good cause to grant the USAO's motion for a protective order related to the dissemination of the relevant *Henthorn* material, as set forth below.

Accordingly, **IT IS HEREBY ORDERED:**

1. The USAO's motion for a protective order, **ECF No. 72**, is **GRANTED**, and a protective order is entered, as follows:

A. Pursuant to the Court's previous order, ECF No. 66, the USAO shall provide the relevant *Henthorn* materials to defense counsel.

1 **B.** Defense counsel may possess but not copy the *Henthorn*
2 materials.

3 **C.** Defense counsel may show the *Henthorn* materials to
4 Defendant and discuss the materials with him.

5 **D.** Defense counsel shall not provide the *Henthorn*
6 materials directly to Defendant or to any other
7 person, including subsequently appointed or retained
8 defense counsel. This prohibition does not apply to
9 staff of defense counsel or any investigator or
10 expert engaged by defense counsel. Such staff,
11 investigator, or expert will also be bound by the
12 terms and conditions of this protective order, and
13 defense counsel shall inform them of its
14 requirements.

15 **E.** Both parties are authorized to reference the
16 existence and content of the *Henthorn* materials in
17 open and closed court proceedings relevant to case
18 number 4:16-CR-6033-EFS.

19 **F.** Unless the Court directs otherwise in the future, any
20 future pleadings filed under the above-referenced
21 cause number that reference the contents of the
22 *Henthorn* materials should be filed under seal (no
23 motion to seal is necessary).

24 **G.** Either party may move the Court for relief from the
25 requirements of this Order if it becomes necessary
26 during the course of the proceedings in this case.

1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
2 Order and provide copies to all counsel and to Magistrate Judge Dimke.

3 **DATED** this 7th day of March 2017.

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5 s/Edward F. Shea
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7 EDWARD F. SHEA
8 Senior United States District Judge
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